



**THE STATE OF NEW HAMPSHIRE  
INSURANCE DEPARTMENT**

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January 12, 2015

Submitted via email to [FFEcomments@cms.hhs.gov](mailto:FFEcomments@cms.hhs.gov)

Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Baltimore, MD 21244

Re: NH Insurance Department Comments on Draft 2016 Letter to Issuers

To Whom It May Concern:

The following comments on the draft 2016 Letter to Issuers in the Federally-Facilitated Marketplace, as published on December 19, 2014 ("Letter to Issuers"), are submitted on behalf of the New Hampshire Insurance Department ("Department"). The Department also joins in the comments previously submitted by the National Association of Insurance Commissioners ("NAIC") on the draft Notice of Benefit and Payment Parameters, as well as comments to be submitted by the NAIC on the Letter to Issuers.

New Hampshire is a partnership state. The Department has worked closely with the Centers for Medicare and Medicaid Services ("CMS") in 2013 and 2014 with respect to plan management functions since New Hampshire's partnership marketplace was established. During these two years, the Department successfully received proposed Qualified Health Plan ("QHP") plan data via SERFF, and transferred the data and QHP certification recommendations to CMS, in accordance with CMS timeframes.

The Department is commenting on the 2016 Letter to Issuers because of the unique challenges its deadlines and processes pose for implementation of the New Hampshire Health Protection Program, New Hampshire's Medicaid expansion program. As proposed in New Hampshire's section 1115 waiver submission now pending with CMS, Health Protection Program enrollees would be covered through QHPs in calendar year 2016. By law, the New Hampshire Health Protection Program will end in its entirety on June 30, 2015 if CMS does not grant the waiver on or before March 31, 2015.

The Department is very concerned about the short timeframes for form and rate review of 2016 plans proposed in the Letter to Issuers, and in particular the first two SERFF data transfer dates of April 15, 2015 and June 9, 2015, as outlined in Table 1.3 (Key Dates for QHP

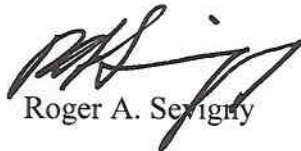
Certification in FFM States Where the State is Performing Plan Management Functions). The Department understands the necessity of moving up the final data transfer date from early August to July 24, 2015, given the earlier commencement of open enrollment for 2016 plans. However, the two earlier data transfer dates, which are new this year, carry the potential to undermine the Department's ability to perform plan management functions for 2016 and to jeopardize the New Hampshire Health Protection Program.

Participation of multiple issuers in 2016 is critical to the success not only of the partnership marketplace, but also of the New Hampshire Health Protection Program. Only one issuer participated in the marketplace in 2014, and New Hampshire legislators chose to implement QHP coverage for Health Protection Program enrollees in 2016. For 2015, the marketplace has five QHP carriers and anticipates having seven carriers in 2016. The Department has been working closely with New Hampshire health insurance carriers and the state Medicaid agency to align its QHP review process seamlessly with the approach contemplated under the proposed 1115 waiver. However, the abbreviated timeframes and early data transfer dates, the first potentially coming only two weeks after the state will learn CMS's decision on the waiver application, could deter issuers from participating.

At the January 9, 2015 meeting of New Hampshire's Health Exchange Advisory Board, issuers and other board members expressed concern about the impact of these early deadlines in New Hampshire. While all acknowledged the need to begin 2016 open enrollment earlier than November 15, 2015, and thus to move back the final data submission deadline, there was a strong concern that issuers would have difficulty meeting the April 15 deadline, which could adversely affect the availability of 2016 QHPs in New Hampshire.

Thank you for the opportunity to comment on the proposed Letter to Issuers, and please do not hesitate to contact me or my staff with any questions.

Very truly yours,



Roger A. Seigney

cc: Governor Margaret Wood Hassan  
NH DHHS Commissioner Nicholas A. Toumpas  
Marilyn Tavener 'Marylin.Tavener@cms.hhs.gov'